

**APPROVED**

**TOWN OF WESTFORD**

**BOARD OF SELECTMEN**

**MINUTES**

**DATE:** June 18, 2002

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Dini Healy-Coffin, Chris Romeo, Robert McCusker,  
Robert Jefferies, Allan Loiselle

**Open Forum**

Brian Shipley, 6 Bayberry Road, asked for clarification to a rumor he heard regarding the use of the sidewalk fund money for projects other than sidewalks. Shipley asked how much was in the fund currently; how much was given to the fund; was any money spent; how much over budget is the town hall project; how was it paid for; have any sidewalks been put in, and if so, did the town pay or did developers pay? Healy-Coffin to provide answers at the next meeting.

Tony Martinez, 95 Main Street, questioned the Board regarding the discrepancies in the job title for the Water Treatment Plant Operator. Martinez stated that the job has been advertised as a Water Treatment Plant Manager at Band 6 rather than at Band 4 as approved by Annual Town Meeting. Martinez stated that the Town Planner II position does not appear to be in the pay schedule. Ledoux stated that the position is entitled "Town Planner". Martinez asked why the Board of Selectmen is allowing the Town Manager to advertise and hire employees at levels that were not approved by Town Meeting.

Tony Martinez, 95 Main Street, reported that the 2 acre parcel of land on the corner of Route 40 and Tyngsboro Road has been assessed at \$279,000 (6 acres total with frontage along the lake). Martinez asked for justification of how the Conservation Commission could pay \$300,000 for the 2 acres. Martinez felt that Town Meeting did not have all the facts.

Tony Martinez, 95 Main Street, reported that he researched the Stipinski Parcel actual offer price of \$1.4 million. Martinez stated that he spoke to Warren Sweetser, Water Superintendent, and was told that \$400,000 would come from the water surplus and the remaining amount would come from a grant. Martinez stated that the assessed value is \$571,000. Healy-Coffin stated that the Town did not get the grant.

Tony Martinez, 95 Main Street, stated that in 1985, the Selectmen, Finance Committee and Town Meeting agreed to post Town employees' annual compensation in the Fletcher Library. This was done until 1993. Martinez stated that he has asked for copies of the compensation from the Research Librarian but received no response. Martinez asked that the salaries be posted at the library.

Al Rosinski, 13 North Hill Road, referenced an information packet that he provided to the Board regarding bow hunting. Rosinski stated that Ledoux had previously indicated that the Town bylaw does not prevent bow hunting. Rosinski stated that people have been bow hunting in Westford in the past. Rosinski reported that the Department of Environmental Police have on record one bow hunting incident from 1995-2001 for the entire state of Massachusetts. Rosinski felt that bow hunting was a very safe sport. Rosinski stated that it would take a specific action to change a situation that does not warrant a change.

Healy-Coffin reported that the Acton Recreation Department will be conducting a fire works display on Thursday, July 4, 2002 at 25 Ledge Rock Way from 8:30-9:00 p.m. Rain date: Sunday, July 7, 2002.

### **Town FAQ's**

Healy-Coffin reported that she has heard rumors regarding the Blue Ribbon Commission on Town Government Operations. Healy-Coffin stated that the purpose of the Commission is to work with the Town Manager and Administrative Staff on the development of a multi-year plan to close the forecasted gap between revenues and expenditures over the course of the next five years. Healy-Coffin read the following list of

members: Jim Sullivan, Margaret Murray, Nancy Rosinski, Sarah Duffy, Bob Waskiewicz, Kirk Ware, Evan Schapiro, Bob LaPorte, and a member of the Board of Selectmen. Healy-Coffin stated that the Commission is for planning, consolidation and possibly regionalization.

Ledoux reported that the Finance Committee is seeking four (4) new members. Appointments are made by the Town Moderator.

Healy-Coffin reported that the School Superintendent put forth his Technology Plan at the School Committee meeting on Monday, June 17, 2002. The Superintendent proposed changing the Help Desk position from half-time with the school department and half-time with the Town, to full-time with the school department. Healy-Coffin was concerned with the abruptness of the action and felt that it was a turnaround of a collaborative effort. Healy-Coffin recommended meeting with the School Committee, School Superintendent and School Business Manager to discuss the Technology Plan on July 16, 2002. The Board concurred. Healy-Coffin to distribute a copy of the Technology Plan to the Board.

#### **Meeting with Officials of Fisheries and Wildlife to Discuss Hunting Policy on Town-owned Land**

Bill Woytech, Wildlife Biologist from the Division of Fisheries and Wildlife, was present to discuss the deer population in Westford. Woytech had distributed an informational packet to the Board regarding deer management, an abstract of Fisheries and Wildlife laws and a two page map representing the 15 deer management zones in Massachusetts. Westford falls into zones 9 and 10. Woytech referenced the chart of projected deer density goals. The goal for zones 9 and 10 is eight deer per square mile of forested habitat. Westford has a total of 15 square miles of forested habitat for a total of 120 deer. Woytech estimated Westford to have approximately 20-30 deer per square mile. Jefferies pointed out that New York uses a method of birth control to control the deer population. Woytech stated that the birth control method works in controlled groups but that it is difficult to administer to free range deer as each deer must be handled individually. Woytech stated that the birth control method does not handle other problems such as Lyme Disease, ticks, road kill, etc. Woytech reported that there were 41 deer harvested in Westford last year. Woytech felt that Westford could sustain a higher harvest. Tony Martinez, 95 Main Street, stated that Town Meeting passed a hunting ban because of the humanity to animals. Martinez felt that hunting was not a sport to be sustained in the 20<sup>th</sup> Century. Jefferies clarified that hunters need to get written permission from the Selectmen. Martinez recalled that the Board said it would never give permission

to hunt on town-owned land. Woytech referenced Mass General Laws, Chapter 21, s. 17c, regarding liability. Woytech stated that as long as a landowner does not charge a fee for hunting, that landowner cannot be held liable for injury except by willful, wanton and reckless behavior of the owner. Marian Harman, 10 Chamberlain Road, stated that she had no objection to hunting on private land. Harman stated that the Conservation Trust does not allow hunting on their land because of the trails. Harman stated that last February, a local deer tracker took members of the Conservation Trust through the East Boston Camps parcel and found very little evidence of deer. Harman stated that the tracker believed that there were less than 8 deer per square mile and that the coyotes were effective predators of deer. Harman cautioned the Board to not do something to control a perceived overpopulation. Harman suggested that the Board hire a tracker to determine the amount of deer in other areas of town. Harman stated that the primary carriers of Lyme Disease are white-footed mice and other animals. Mary Caless, 70 Beaver Brook Road, reported that a committee was established 10 years ago to layout public land. That committee designated two parcels to allow hunting. Caless stated that the Selectmen were pressed by the public to ban hunting. Caless stated that there were many good hunters in town and hunting could be a reasonable approach to the deer problem. Caless was concerned that a motorist could be killed in an accident with a deer in the road. Nancy Rosinski, 13 North Hill Road, stated that she hated to see taxpayers' money go to hiring a tracker when there is a small group of bow hunters willing to hunt. Rosinski stated that bow hunting is safe and is allowed in Westford. Rosinski stated that there is a need to keep balance and that she did not want to see deer starve to death due to overpopulation. Diane Holmes, 59 Lowell Road, pointed out that a bow is not considered a firearm. Chuck Bell, Northeast District Manager, Fisheries and Wildlife, stated that his office is located in Acton and was available to answer questions at any time. Mike Doherty, Old Road, stated that there is an assumption that bow hunting is not allowed in Westford. Doherty stated that he has been bow hunting for 8 years on private property in Westford and has seen more deer this year than in the last 3 years. Doherty felt that this should not be a moral issue and that the Selectmen should leave it up to Fisheries and Wildlife. Doherty felt that bow hunting was good management tool. Doherty reported that the Police Department estimated the number of car collisions with deer to be upwards of 50 in the last year. Rick Cooper, 18 Robinson Road, stated that an autobody mechanic told him that he had 4 cars in the last month damaged by deer. A resident from Frances Hill Road felt that the number of deer has dropped off dramatically, that she has sighted 8

coyotes in her yard and asked the Board to have a handle on what is real for numbers. McCusker suggested that bow hunters register with the Town Hall and provide the areas where they are hunting as a control device. Healy-Coffin asked for time to review the materials before making any decisions. Loiselle agreed. Jefferies felt that a bylaw was needed with posting requirements. Jefferies stated that the posting requirements need to be investigated. To be discussed at a meeting in August. It was moved by Romeo, seconded by McCusker, and VOTED 2 IN FAVOR with 3 OPPOSED (Healy-Coffin, Jefferies, Loiselle), to contact the two bow hunters the Board denied and send them a letter regarding what the Board discerned from this meeting. The motion failed. It was moved by Romeo to not discuss this matter in August. There was no second. The motion failed. Romeo stated that this matter was precipitated by a non-Massachusetts resident and a non-Town resident. Romeo suggested that if a Westford resident comes before the Board, then the Board can have a discussion. Jefferies stated that if something comes before the Board and it involves public safety, the Board is duty bound to look into it. Romeo felt that it was a question of priority.

### **Board Appointments**

Ledoux reported that the Housing Authority has recommended the reappointment of Bill Coakley as their representative on the Community Preservation Act Committee. Ledoux also reported that Ken Tebbetts said that Debra Ann Meyer will be resigning from the Historical Commission effective July 1, 2002 and requested the appointment of Roberta Maguire. Don Whitehouse and David Johnson have resigned from the Cable Advisory Committee. Ledoux stated that the Zoning Board of Appeals will be making a recommendation as to which alternate will be moving into the vacancy created by the resignation of Ellen Doucette. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to appoint Roberta Maguire as alternate for the Historical Commission. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to appoint Bill Coakley to the Community Preservation Act Committee. Ledoux to send a letter of thanks to David Johnson.

### **Selectmen to Sign Decision on AT&T License Transfer to Comcast**

Dave Levy, Co-Chair of the Cable Advisory Committee, presented the Denial of Transfer of Change of Control of Westford's Cable Franchise relative to AT&T Comcast for the Board's signature based upon the Board's actions on June 11, 2002. Levy stated that all documentation will be posted on the committee's web page. McCusker asked Ledoux to notify the Board when the committee's legal budget reaches \$2,000. Ledoux stated that he has been tracking that number separately.

**Laurie Harding to Discuss Acquisition of 6 Trails End Road**

Laurie Harding was not present.

**Selectmen to Consider Ratifying the CWA Contract**

Ledoux reported that he discussed the negotiations with the Board in Executive Session on June 11, 2002. Overall there will be a 4% increase in the first year, a 3% increase in the second year, and a 3% increase in the third year. It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to ratify the contract.

**Update on Beede Oil Site**

Ledoux stated that Westford is one of 90 municipalities that took waste oil to the Beede Site. Last winter, TRC approached the responsible parties and offered to purchase the liability at \$4.85 per gallon. The Board went to Town Meeting for an appropriation. Ledoux stated that the EPA has sent an offer of \$6.50 per gallon (a difference of approximately \$2,500). The EPA has not recognized the TRC offer. The EPA wants the municipalities to sign on by August 2<sup>nd</sup>. Ledoux stated that he had a conference call this morning with other municipality representatives and decided that they will be sending a letter to the State Representatives and the White House seeking assistance. The EPA has scheduled a meeting for Thursday, July 11<sup>th</sup> in Boston. Each responsible party can bring 3 people to the meeting. Ledoux, Healy-Coffin and McCusker to attend. Ledoux to provide the time and location of the meeting. This matter to be discussed at the July 16<sup>th</sup> meeting.

**Licenses and Permits**

None at this time.

**Minutes**

It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of May 21, 2002 (regular session); May 28, 2002 (regular session); May 21, 2002 (executive session); and May 28, 2002 (executive session); but NOT release both set of executive session minutes to the public.

**Franklin Property**

No report at this time.

**Board Reports/Updates**

**Northern Middlesex Council of Governments (NMCOG)** – Loisel reported that he attended his first NMCOG meeting on June 12, 2002. Based upon the current census, Westford is now part of the Boston statistical district for certain regional types of planning.

**Route 3 Construction Update** – Loisel stated that 4 rest areas sites have been slated for travel-related businesses. No details or plans were available. Ledoux stated that Modern Continental and Mass Highway also have no information but that RFPs went out for those sites.

**Old Business/New Business**

**Gift of Land From Yvonne Sullivan** – Ledoux presented an acceptance of the deed from Town Counsel for the Board to sign. The Board signed the document.

**Buffer Zone for the Highway Garage Site** – Jefferies reported that the Planning Board voted to ignore the Selectmen's recommendation regarding the buffer for the Highway Garage. Jefferies felt that it was a bad precedent to give away the amount of land (8 acres) that could be used in the future. Jefferies stated that the buffer zone is actually a no-disturb zone. Romeo asked if the Selectmen had the right to appeal. Jefferies stated that the Selectmen can appeal the buffer provision under the 21 day appeal process. Brian Shipley, 6 Bayberry Road, agreed with Jefferies. Shipley felt it was wrong to give away 8 acres of land. Shipley asked if the Town received anything for land which could be used in the future for a water tower, affordable housing, etc. Shipley agreed with appealing the buffer provision. Bob Shaffer, Planning Board member, stated that the buffer was not voted on separately. Shaffer stated that the Planning Board's biggest concern was the abutters' concerns. Healy-Coffin noted that the Selectmen have not received correspondence from the Planning Board. Jefferies stated that the buffer was not reduced from the original proposal. Shaffer stated that the Highway Committee feels that there is sufficient room for growth. Healy-Coffin asked Shaffer for the reason for the buffer. Shaffer stated that they came up with the buffer to alleviate abutters' concerns. Jefferies stated that he did not understand the rationale for the buffer. Shaffer recommended a joint boards meeting to discuss the matter in greater detail. It was moved by Jefferies, seconded by Loisel, and VOTED 4 IN FAVOR with 1 OPPOSED (McCusker), that the Selectmen appeal the buffer portion only of the site plan approval for the new Highway Garage. Romeo stated that he had said that the Selectmen should have provided an opportunity for the residents to be heard at a Selectmen's meeting. Romeo felt that the

Selectmen did not have all the information that the Planning Board had. McCusker was opposed as he had a problem appealing a decision made in an open forum. McCusker stated that there was no sense in pitting one board against another board. Loiselle disagreed that the appeal would pit one board against another board but recommended taking a second look to be sure all needs are being met. Ledoux to send letter of appeal to the Planning Board. Healy-Coffin to work out joint board meeting details with Peter Fletcher, Chairman of the Planning Board.

**Meyers Briggs Team Building Exercises** – Healy-Coffin reported that she recently met with Lyle Kirtman. Healy-Coffin asked the Board to forward their Meyers Briggs Test to Future Management as soon as possible.

**Water Commissioners Reorganization** – Healy-Coffin referenced an opinion from Town Counsel which indicates that the Town Manager has the authority under the Town Charter to reorganize the Water Commissioners. Ledoux to provide a copy of the Town Charter to the Board. Healy-Coffin asked the Board to bring the Town Charter to each meeting.

**School Crossing Guards** – Healy-Coffin reported that the School Crossing Guards have received their pink slips from the Police Chief. It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to keep the School Crossing Guards in the budget and that the line item to reduce the budget will not entail the Crossing Guards and to allow the Town Manager and the Police Chief to look at all options until Fall Town Meeting. McCusker urged the Chief to take money out of a current account now and seek funding at Fall Town Meeting.

**Policy Book – Town of Harvard** – McCusker thanked Ledoux for the policy book to be used as a guide for Westford.

**Committee Volunteers** – Romeo thanked Elizabeth Michaud for her efforts in encouraging committee volunteers at the recent Strawberry and Arts Festival. Bob Shaffer, 7 Blake's Hill Road, suggested posting committee openings on the Town's web page and in the Westford Eagle and include information regarding the incumbent, the position, appointing body, and date of meeting when the committee openings will be discussed. Shaffer suggested preparing a list of openings and/or reappointments and making an announcement three months prior. Ledoux stated that he had compiled a list of committee openings.



### **Correspondence**

Healy-Coffin read the list of correspondence.

6.8 MASS DEP – Notice of available funding re: Clean Water Revolving Fund (CWSRF). McCusker asked Ledoux to send the information to the School Building Means Committee.

### **Motion to Go Into Executive Session**

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to go into Executive Session at 10:05 p.m. for the purpose of discussing the Town Manager's contract negotiations and the pending litigation regarding Whittlesey vs. Town of Westford. A polling of the Board: Healy-Coffin-yes; Romeo-yes; McCusker-yes; Jefferies-yes; Loiselle-yes. The Board to reconvene to regular session for the purpose of adjourning.

### **Open Items**

6/18-1 The Board to report on the sidewalk fund re: questions raised by Shipley during open forum.

6/18-2 The Board to provide answers on July 16<sup>th</sup> to Tony Martinez's questions raised during open session.

6/18-3 Healy-Coffin to distribute to the Board a copy of the School Superintendent's Technology Plan.

6/18-4 Ledoux to investigate posting requirements re: hunting.

6/18-5 Ledoux to send letter of thanks to David Johnson re: resignation from Cable Advisory Committee.

6/18-6 Ledoux to provide meeting information to Healy-Coffin and McCusker re: EPA meeting on July 11<sup>th</sup>.

6/18-7 Ledoux to send letter of appeal to Planning Board re: buffer for new Highway Garage.

6/18-8 Healy-Coffin to work out meeting details with Planning Board Chairman, Peter Fletcher re: appeal of buffer for new Highway Garage.

6/18-9 Ledoux to provide the Board with a copy of the Town Charter.

6/18-10 Ledoux to forward corr. 6.8 MASS DEP re: Clean Water Revolving Fund to the School Building Means Committee.

### **Adjournment**

It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:30 p.m.

---

Steve Ledoux, Town Manager

---

Dini Healy-Coffin, Chairman